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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,820	09/26/2001	David G. Leeper	42390P10398	2634

8791 7590 12/27/2005

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EXAMINER

FILE, ERIN M

ART UNIT PAPER NUMBER

2634

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/964,820	LEEPER, DAVID G.	
	Examiner	Art Unit	
	Erin M. File	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12, 14-17 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14-17 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 11/14/2005 have been fully considered but they are not persuasive. The remarks submitted argue against the office action dated 1/12/2005, not the most recent action dated 8/10/2005. The arguments were not deemed persuasive because they do not address the most recent office action.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-12, 14-17, 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Trampower et al.

**Claims 1, 14, 23**, Trampower discloses a method in which wireless base station (fig. 3, 156, applicant discloses that a base station is a type of master transmitting device) polls

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a neighboring base station to determine a hopping sequence of the first master transmitting device. Further, the polling which the wireless base station performs includes using information such as signal quality and traffic load (col. 21, lines 31-32), which in effect tells the polling master device whether the other master device is receiving a signal from a slave device (col. 21, lines 7-60).

**Claims 2, 3, 16**, inherit the limitations of Claims 1, 1, and 15 respectively, Trompower discloses the use of a wired twisted pair network or wireless means to exchange hopping sequences (col. 8, lines 37-40).

**Claim 5**, inherits the limitations of Claim 1. Trompower discloses a method and system where base stations exchange hopping sequences information using a backbone connection (abstract).

**Claims 6, 7**, both inheriting the limitations of Claim 1. Trompower discloses the method of handing over a mobile terminal from one base station to another (col. 9, lines 47-51) after hopping sequences have been exchanged (col. 21, lines 7-60).

**Claims 8, 9, 25**, inherit the limitations of Claims 1, 1, and 23, respectively.

Trompower further describes a method of handing off a mobile terminal once the signal strength falls below a threshold value (col. 31, lines 44-48; Col. 29, lines 5-46).

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**Claim 10, 17**, inherit the limitations of Claims 1 and 14, respectively. Trompower et al describes the updating of roaming tables of mobile stations, which in turn update other base stations and terminals after handoff (col. 24, lines 21-43). Therefore "neighboring" base station tables are updated using this method.

**Claim 11**, inherits the limitations of Claim 1. Trompower describes the mobile devices sending beacon packets to base stations with updated hopping sequences when moving to a new cell. "As is explained below in connection with FIGS. 15A-15B, a mobile terminal 166 which newly registers with a base station 154, 156 transmits a mobile terminal update packet to the new base station 154, 156 which includes current hopping sequence timing information and test pattern information for the basestation 154,156 with which the mobile terminal 166 was previously registered." (col. 24, lines 44-54) Since base stations also send there information to each other through the backbone as disclosed above, it can be inferred that the mobile stations, or "slaves", are in fact adjusting their hopping sequences to base stations, or "masters", in other cells.

**Claim 12**, inherits the limitations of Claim 1. Trompower describes the switching of hopping sequences of the mobile terminal during handoff (col. 2, lines 31-37).

**Claims 15, 24**, inherit the limitations of Claims 14 and 23, respectively. Trompower describes the use of sending beacon packets to exchange hopping sequences (col. 2, line 58 - col. 3, line 33).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is (571)272-6040. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erin M. File

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12/20/2005



**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
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